

From: Richard Moore
To: Microsoft ATR
Date: 1/25/02 1:43am
Subject: Microsoft Settlement

I am writing to express my concerns about the proposed settlement in the Microsoft case.

It surprises me that a violator is being given the opportunity to negotiate a settlement when a conviction has already been reached. What do the people get in return for this agreement? Almost any judge would be certain to impose a much more effective remedy. The proposed settlement appears to be driven by politics, rather than by a desire to correct a bad situation.

The fact is, the settlement contains no "teeth". We had the consent decree several years ago, but it solved nothing. Microsoft continued its usual business practices, and even further extended its monopoly during this time. Under the proposed settlement, we can expect more of the same.

Microsoft extends its monopoly by keeping its APIs and file formats secret, subverting standardization efforts in the computer industry. Microsoft should be required to publish this information for each of its software products (operating systems especially) prior to the release of the product. This should be applied retroactively to require the immediate release of such documentation for all current products.

Going further, it would also be effective to require publication of source code for each operating system under an open source license, after some fixed interval (such as a year) following the release of the operating system.

Also, any effective solution must put an end to the OEM pricing deals that Microsoft makes, which it uses to ensure that practically every PC sold includes a Microsoft operating system license, whether the buyer wants to use Microsoft software or not.

I hope the Dept. of Justice will reconsider this settlement and insist on one that will actually produce a more level business and technology playing field.

Sincerely,

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